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ATTORNEYS FOR PLAINTIFF

UNITED STATES DISTRICT COURT  
NORTHERN DIVISION OF CALIFORNIA

RICHARD HOWARD,

Plaintiff,

vs.

WELLS FARGO FINANCIAL MISSOURI,  
INC. AKA WELLS FARGO FINANCIAL  
ACCEPTANCE, INC. et al.

Defendants.

Case No. CV 07-05881 EDL

STATEMENT OF DISCOVERY IN  
DISPUTE AND REASONS TO COMPEL  
FURTHER RESPONSE

Re: REQUESTS FOR ADMISSION, SET ONE by Plaintiff Howard to Responding Party  
Defendant Wells Fargo Financial Missouri. The following are the interrogatories and responses  
received verbatim, and the reasons why moving party contends that responses should be  
compelled:

REQUEST FOR ADMISSION

5. ADMIT that you intended your actions in 2006 and 2007 when you reported to Trans Union  
that Plaintiff was personally liable to you on an account.

RESPONSE TO REQUEST

5. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects to this request as overbroad, vague and ambiguous as to the term “you intended your actions.”

REASON TO COMPEL FURTHER RESPONSE OR DEEM ADMITTED

Defendant has waived objections by making mere boilerplate objections and by not timely substantiating its objections under *Marchand v. Mercy Medical Center* (9<sup>th</sup> Cir. 1994) 22 F3d 933, 938. The request is reasonably calculated. Under the Fair Credit Reporting Act/Fair and Accurate Transactions Act (the “ACT”), whether one acts willfully and whether punitive damages can be assessed is based in part on whether acts were intentional. Plaintiff has pled willful violation of the ACT. The request is not overbroad, vague nor ambiguous. Intention has a well accepted definition in the law.

REQUEST FOR ADMISSION

6. ADMIT that you did not intend your actions in 2006 and 2007 when you reported to Trans Union that Plaintiff was personally liable to you on an account.

RESPONSE TO REQUEST

6. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects to this request as overbroad, vague and ambiguous as to the term “you did not intended (sic) your actions.”

REASON TO COMPEL FURTHER RESPONSE OR DEEM ADMITTED

Defendant has waived objections by making mere boilerplate objections and by not timely substantiating its objections under *Marchand v. Mercy Medical Center* (9<sup>th</sup> Cir. 1994) 22 F3d 933, 938. The request is reasonably calculated. Under the Fair Credit Reporting Act/Fair and Accurate Transactions Act (the “ACT”), whether one acts willfully and whether punitive damages can be assessed is based in part on whether acts were intentional. Plaintiff has pled

1 willful violation of the ACT. The request is not overbroad, vague nor ambiguous. Intention has a  
2 well accepted definition in the law.

### 3 REQUEST FOR ADMISSION

4 7. ADMIT that the investigation you performed in 2007 regarding Plaintiff was accomplished as  
5 you intended.

### 6 RESPONSE TO REQUEST

7 7. Wells Fargo objects to this request to the extent it seeks information that is neither relevant  
8 nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further  
9 objects to this request as overbroad, vague and ambiguous as to the term “as you intended.”

### 10 REASON TO COMPEL FURTHER RESPONSE OR DEEM ADMITTED

11 Defendant has waived objections by making mere boilerplate objections and by not timely  
12 substantiating its objections under *Marchand v. Mercy Medical Center* (9<sup>th</sup> Cir. 1994) 22 F3d 933,  
13 938. The request is reasonably calculated. Under the Fair Credit Reporting Act/Fair and  
14 Accurate Transactions Act (the “ACT”), whether one acts willfully and whether punitive  
15 damages can be assessed is based in part on whether acts were intentional. Plaintiff has pled  
16 willful violation of the ACT. The request is not overbroad, vague nor ambiguous. Intention has a  
17 well accepted definition in the law.

### 18 REQUEST FOR ADMISSION

19 8. ADMIT that the investigation you performed in 2007 regarding Plaintiff was not  
20 accomplished as you intended.

### 21 RESPONSE TO REQUEST

22 8. Wells Fargo objects on the ground that this request is vague and ambiguous. Wells Fargo  
23 further objects to this request as overbroad, vague and ambiguous as to the term “you did not  
24 intended.”

### 25 REASON TO COMPEL FURTHER RESPONSE OR DEEM ADMITTED

26 Defendant has waived objections by making mere boilerplate objections and by not timely  
substantiating its objections under *Marchand v. Mercy Medical Center* (9<sup>th</sup> Cir. 1994) 22 F3d 933,

1 938. The request is reasonably calculated. Under the Fair Credit Reporting Act/Fair and  
2 Accurate Transactions Act (the "ACT"), whether one acts willfully and whether punitive  
3 damages can be assessed is based in part on whether acts were intentional. Plaintiff has pled  
4 willful violation of the ACT. The request is not overbroad, vague nor ambiguous. Intention has a  
5 well accepted definition in the law.

6 REQUEST FOR ADMISSION

7 13. ADMIT that your Net Worth is in excess of \$1 Billion.

8 RESPONSE TO REQUEST

9 13. Wells Fargo objects to this request on the grounds that it seeks confidential documents.  
10 Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor  
11 reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further  
12 objects to this request as overbroad, vague and ambiguous.

13 REASON TO COMPEL FURTHER RESPONSE OR DEEM ADMITTED

14 Defendant has waived objections by making mere boilerplate objections and by not timely  
15 substantiating its objections under *Marchand v. Mercy Medical Center* (9<sup>th</sup> Cir. 1994) 22 F3d 933,  
16 938. The request is reasonably calculated. A protective order is in place in this case. A public  
17 company's net worth is not privacy protected. A company's net worth is pertinent to the issue of  
18 punitive damages. Plaintiff is entitled to know the net worth of the company under such  
19 circumstances. Respondent has not substantiated why it thinks the information is confidential.  
20 The request is not overbroad, vague nor ambiguous. Net Worth has a well accepted definition in  
21 the law.

22 REQUEST FOR ADMISSION

23 14. ADMIT that your Net Worth is in excess of \$500 Million.

24 RESPONSE TO REQUEST

25 14. Wells Fargo objects to this request on the grounds that it seeks confidential documents. Wells  
26 Fargo objects to this request to the extent it seeks information that is neither relevant nor  
reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects

1 to this request as overbroad, vague and ambiguous.

2 REASON TO COMPEL FURTHER RESPONSE OR DEEM ADMITTED

3 Defendant has waived objections by making mere boilerplate objections and by not timely  
 4 substantiating its objections under *Marchand v. Mercy Medical Center* (9<sup>th</sup> Cir. 1994) 22 F3d 933,  
 5 938. The request is reasonably calculated. A protective order is in place in this case. A public  
 6 company's net worth is not privacy protected. A company's net worth is pertinent to the issue of  
 7 punitive damages. Plaintiff is entitled to know the net worth of the company under such  
 8 circumstances. Respondent has not substantiated why it thinks the information is confidential.  
 9 The request is not overbroad, vague nor ambiguous. Net Worth has a well accepted definition in  
 10 the law.

11 REQUEST FOR ADMISSION

12 15. ADMIT that your Net Worth is in excess of \$200 Million.

13 RESPONSE TO REQUEST

14 15. Wells Fargo objects to this request on the grounds that it seeks confidential documents. Wells  
 15 Fargo objects to this request to the extent it seeks information that is neither relevant nor  
 16 reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects  
 17 to this request as overbroad, vague and ambiguous.

18 REASON TO COMPEL FURTHER RESPONSE OR DEEM ADMITTED

19 Defendant has waived objections by making mere boilerplate objections and by not timely  
 20 substantiating its objections under *Marchand v. Mercy Medical Center* (9<sup>th</sup> Cir. 1994) 22 F3d 933,  
 21 938. The request is reasonably calculated. A protective order is in place in this case. A public  
 22 company's net worth is not privacy protected. A company's net worth is pertinent to the issue of  
 23 punitive damages. Plaintiff is entitled to know the net worth of the company under such  
 24 circumstances. Respondent has not substantiated why it thinks the information is confidential.  
 25 The request is not overbroad, vague nor ambiguous. Net Worth has a well accepted definition in  
 26 the law.

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2 **Re: REQUESTS FOR DOCUMENTS, SET ONE by Plaintiff Howard to Responding**  
3 **Party Defendant Wells Fargo Financial Missouri. The following are the interrogatories and**  
4 **responses received verbatim, and the reasons why moving party contends that responses**  
5 **should be compelled:**

6 REQUEST FOR DOCUMENTS

7 1. Any and all documents or other recordings evidencing, constituting or referring to your  
8 policies and procedures in the care, supervision, direction, custody and control of any documents  
9 sought by this request for documents.

10 RESPONSE TO REQUEST

11 1. Wells Fargo agrees to produce all responsive documents relating to its record retention  
12 policies.

13 REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

14 Despite promising to do so, Wells Fargo has failed to produce such documents. It had previously  
15 produced documents pursuant to its initial disclosure, but such are not sorted nor identified as  
16 required. Defendant did not assert it would or had produced documents as kept in the ordinary  
17 course of its business.

18 REQUEST FOR DOCUMENTS

19 2. Copies of each and every document which in any way references the corresponding account  
20 numbers, or which otherwise references Plaintiff and/or any of his personal identifiers other than  
21 his name, within four years of the filing of the complaint in this matter.

22 a) "Wells Fargo" Account Nos. 50237044183919001 and/or 5023704418391; and  
23 53825 and/or 5382580

24 RESPONSE TO REQUEST

25 2. Wells Fargo agrees to produce all responsive documents relating to the accounts mentioned  
26 above.

REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

1 Despite promising to do so, Wells Fargo has failed to produce such documents. It had previously  
 2 produced documents pursuant to its initial disclosure, but such are not sorted nor identified as  
 3 required. Defendant did not assert it would or had produced documents as kept in the ordinary  
 4 course of its business.

5 REQUEST FOR DOCUMENTS

6 4. Copies of any statements you have taken or received from any third person in any way  
 7 connected with this action, including, but not limited to, Trans Union, its attorneys and other  
 8 agents.

9 RESPONSE TO REQUEST

10 4. Wells Fargo objects that compliance with this request would be oppressive and burdensome.  
 11 Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor  
 12 reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects  
 13 to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the  
 14 documents with "reasonable particularity." Fed. R. Civ. P. 34(b).

15 REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

16 Defendant has waived objections by making mere boilerplate objections and by not timely  
 17 substantiating its objections under *Burlington Northern v. United States Dist. Ct.* (9<sup>th</sup> Cir. 2005)  
 18 408 F3d 11. There is nothing oppressive and burdensome about this request, it is relevant and is  
 19 stated with reasonable particularity. It seeks documents directly relating to this matter. It is not  
 20 vague and ambiguous and defendant has not explained why it thinks it is.

21 REQUEST FOR DOCUMENTS

22 5. All documents showing an audit or review by you of practices to determine compliance with  
 23 15 USC section 1681s-2(a).

24 RESPONSE TO REQUEST

25 5. Wells Fargo objects that compliance with this request would be oppressive and burdensome.  
 26 Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor  
 reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo objects to this

request to the extent it expressly or impliedly seeks information protected from discovery by the attorney-client privilege, the attorney work product doctrine, the self-critical analysis privilege, and the bank examination privilege. Wells Fargo further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the documents with “reasonable particularity.” Fed. R. Civ. P. 34(b).

#### REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

Defendant has waived objections by making mere boilerplate objections and by not timely substantiating its objections under *Burlington Northern v. US Dist. Ct.* (9<sup>th</sup> Cir. 2005) 408 F3d 1142. There is nothing oppressive and burdensome about this request, it is relevant and is stated with reasonable particularity. It seeks documents directly relating to matters relevant in this case: whether respondent has done anything to determine it complies with the law. It is not vague and ambiguous and defendant has not explained why it thinks it is. If respondent thinks it has some basis for claiming privilege or work product protection, it must so express in a privilege log, said having not been provided.

#### REQUEST FOR DOCUMENTS

6. All documents showing an audit or review by you of practices to determine compliance with 15 USC section 1681s-2(b).

#### RESPONSE TO REQUEST

6. Wells Fargo objects that compliance with this request would be oppressive and burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo objects to this request to the extent it expressly or impliedly seeks information protected from discovery by the attorney-client privilege, the attorney work product doctrine, the self-critical analysis privilege, and the bank examination privilege. Wells Fargo further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the documents with “reasonable particularity.” Fed. R. Civ. P. 34(b).

#### REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED



Defendant has waived objections by making mere boilerplate objections and by not timely substantiating its objections under *Burlington Northern v. US Dist. Ct.* (9<sup>th</sup> Cir. 2005) 408 F3d 1142. There is nothing oppressive and burdensome about this request, it is relevant and is stated with reasonable particularity. It seeks documents directly relating to matters relevant in this case: whether respondent has done anything to determine it complies with the law. It is not vague and ambiguous and defendant has not explained why it thinks it is. If respondent thinks it has some basis for claiming privilege or work product protection, it must so express in a privilege log, said having not been provided.

#### REQUEST FOR DOCUMENTS

8. Please produce all documents sent to Plaintiff by you in the last two years.

#### RESPONSE TO REQUEST

8. Wells Fargo agrees to produce all responsive documents sent to plaintiff by Wells Fargo in the last two years.

#### REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

Despite promising to do so, Wells Fargo has failed to produce such documents. It had previously produced documents pursuant to its initial disclosure, but such are not sorted nor identified as required. Defendant did not assert it would or had produced documents as kept in the ordinary course of its business.

#### REQUEST FOR DOCUMENTS

9. Please produce all documents sent to you by Plaintiff in the last two years.

#### RESPONSE TO REQUEST

9. Wells Fargo agrees to produce all responsive documents sent to Wells Fargo by plaintiff in the last two years.

#### REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

Despite promising to do so, Wells Fargo has failed to produce such documents. It had previously produced documents pursuant to its initial disclosure, but such are not sorted nor identified as required. Defendant did not assert it would or had produced documents as kept in the ordinary

1 course of its business.

2 //

3 REQUEST FOR DOCUMENTS

4 10. Please produce copies of all of your quarterly profit and loss statements for the past three (3)  
5 years.

6 RESPONSE TO REQUEST

7 10. Wells Fargo objects that compliance with this request would be oppressive and burdensome.  
8 Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor  
9 reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects  
10 to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the  
11 documents with "reasonable particularity." Fed. R. Civ. P. 34(b).

12 REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

13 Defendant has waived objections by making mere boilerplate objections and by not timely  
14 substantiating its objections under *Burlington Northern v. US Dist. Ct.* (9<sup>th</sup> Cir. 2005) 408 F3d  
15 1142. There is nothing oppressive and burdensome about this request, it is relevant and is stated  
16 with reasonable particularity. It seeks documents directly relating to matters relevant in this case:  
17 responding parties amenability and ability to pay damages, including punitive damages. It is not  
18 vague and ambiguous and defendant has not explained why it thinks it is.

19 REQUEST FOR DOCUMENTS

20 11. Please produce copies of all of your current balance sheets and financial statements.

21 RESPONSE TO REQUEST

22 11. Wells Fargo objects that compliance with this request would be oppressive and burdensome.  
23 Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor  
24 reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects  
25 to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the  
26 documents with "reasonable particularity." Fed. R. Civ. P. 34(b).

REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

Defendant has waived objections by making mere boilerplate objections and by not timely substantiating its objections under *Burlington Northern v. US Dist. Ct.* (9<sup>th</sup> Cir. 2005) 408 F3d 1142. There is nothing oppressive and burdensome about this request, it is relevant and is stated with reasonable particularity. It seeks documents directly relating to matters relevant in this case: responding parties amenability and ability to pay damages, including punitive damages. It is not vague and ambiguous and defendant has not explained why it thinks it is.

#### REQUEST FOR DOCUMENTS

12. Please produce all documents evidencing or including data concerning the names, addresses, telephone numbers, current employers and current whereabouts of each and every one of your employees who performed any credit reporting work regarding Plaintiff.

#### RESPONSE TO REQUEST

12. Wells Fargo objects to this request on the grounds that it seeks documents protected by Wells Fargo's employees' rights to privacy under the California and United States Constitutions. Wells Fargo objects that compliance with this request would be oppressive and burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the documents with "reasonable particularity." Fed. R. Civ. P. 34(b).

#### REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

Defendant has waived objections by making mere boilerplate objections and by not timely substantiating its objections under *Burlington Northern v. US Dist. Ct.* (9<sup>th</sup> Cir. 2005) 408 F3d 1142. There is nothing oppressive and burdensome about this request, it is relevant and is stated with reasonable particularity. It seeks documents directly relating to matters relevant in this case: identifying information about witnesses. It is not vague and ambiguous and defendant has not explained why it thinks it is. A protective order is in place and this case and privacy rights can be protected while allowing plaintiff to investigate his case.

#### REQUEST FOR DOCUMENTS

1 13. Please produce all documents constituting your entire credit file(s), collection file(s) and  
2 fraud investigation file(s), which in any way references Plaintiff, Plaintiff's personal identifiers or  
3 any of the account numbers associated with Plaintiff's identifiers.

4 RESPONSE TO REQUEST

5 13. Wells Fargo agrees to produce all responsive documents to this request.

6 REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

7 Despite promising to do so, it is not clear if Wells Fargo has produced such documents. It had  
8 previously produced documents pursuant to its initial disclosure, but such are not sorted nor  
9 identified as required. Defendant did not assert it would or had produced documents as kept in the  
10 ordinary course of its business.

11 REQUEST FOR DOCUMENTS

12 14. Please produce all documents which evidence, constitute and/or address your means, methods  
13 or abilities to correctly identify whether a tradeline or former address has been previously reported  
14 as incorrect.

15 RESPONSE TO REQUEST

16 14. Wells Fargo agrees to produce all responsive documents to this request.

17 REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

18 Despite promising to do so, Wells Fargo has failed to produce such documents. It had previously  
19 produced documents pursuant to its initial disclosure, but such are not sorted nor identified as  
20 required. Defendant did not assert it would or had produced documents as kept in the ordinary  
21 course of its business.

22 REQUEST FOR DOCUMENTS

23 15. Please produce all policy manuals, procedure manuals or other documents, which address  
24 your policies, practices or procedures in correcting, updating, modifying and/or deleting or  
25 suppressing credit data or historical address data which is disputed as inaccurate.

26 RESPONSE TO REQUEST

15. Wells Fargo objects to this request to the extent it expressly or impliedly seeks information

1 which is confidential or proprietary in nature or which constitutes protected commercial, trade  
2 secret information of Wells Fargo. Subject to and without waiving these objections, Wells Fargo  
3 will produce documents in its possession, custody and control that are not objectionable.

4 REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

5 Defendant has waived objections by making mere boilerplate objections and by not timely  
6 substantiating its objections under *Burlington Northern v. US Dist. Ct.* (9<sup>th</sup> Cir. 2005) 408 F3d  
7 1142. A protective order is in place in this case, the terms of which protect confidential and  
8 proprietary information. Despite promising to do so, Wells Fargo has failed to produce such  
9 documents. It had previously produced documents pursuant to its initial disclosure, but such are  
10 not sorted nor identified as required. Defendant did not assert it would or had produced  
11 documents as kept in the ordinary course of its business.

12 REQUEST FOR DOCUMENTS

13 16. Please produce all organizational charts for Wells Fargo Financial Missouri, Inc. from two  
14 years before the complaint was filed in this case to present.

15 RESPONSE TO REQUEST

16 16. Wells Fargo objects to this request to the extent it expressly or impliedly seeks information  
17 which is confidential or proprietary in nature or which constitutes protected commercial, trade  
18 secret information of Wells Fargo. Subject to and without waiving these objections, Wells Fargo  
19 will produce documents in its possession, custody and control that are not objectionable.

20 REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

21 Defendant has waived objections by making mere boilerplate objections and by not timely  
22 substantiating its objections under *Burlington Northern v. US Dist. Ct.* (9<sup>th</sup> Cir. 2005) 408 F3d  
23 1142. A protective order is in place in this case, the terms of which protect confidential and  
24 proprietary information. Despite promising to do so, Wells Fargo has failed to produce such  
25 documents. It had previously produced documents pursuant to its initial disclosure, but such are  
26 not sorted nor identified as required. Defendant did not assert it would or had produced  
documents as kept in the ordinary course of its business.

REQUEST FOR DOCUMENTS

17. Please produce all organizational charts for Wells Fargo Financial Acceptance, Inc. from two years before the complaint was filed in this case to present.

RESPONSE TO REQUEST

17. Wells Fargo objects to this request to the extent it expressly or impliedly seeks information which is confidential or proprietary in nature or which constitutes protected commercial, trade secret information of Wells Fargo. Subject to and without waiving these objections, Wells Fargo will produce documents in its possession, custody and control that are not objectionable.

REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

Defendant has waived objections by making mere boilerplate objections and by not timely substantiating its objections under *Burlington Northern v. US Dist. Ct.* (9<sup>th</sup> Cir. 2005) 408 F3d 1142. A protective order is in place in this case, the terms of which protect confidential and proprietary information. Despite promising to do so, Wells Fargo has failed to produce such documents. It had previously produced documents pursuant to its initial disclosure, but such are not sorted nor identified as required. Defendant did not assert it would or had produced documents as kept in the ordinary course of its business.

REQUEST FOR DOCUMENTS

18. Please produce copies of all papers, records and documents referred, referenced or reflected upon in response to Plaintiff's First Set of Interrogatories Directed to Defendant.

RESPONSE TO REQUEST

18. Wells Fargo objects that compliance with this request would be oppressive and burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the documents with "reasonable particularity." Fed. R. Civ. P. 34(b). Subject to and without waiving these objections, Wells Fargo will produce documents in its possession, custody and control that are not objectionable.

REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

Despite promising to do so, Wells Fargo has failed to produce such documents. It had previously produced documents pursuant to its initial disclosure, but such are not sorted nor identified as required. Defendant did not assert it would or had produced documents as kept in the ordinary course of its business.

REQUEST FOR DOCUMENTS

20. Please produce any and all documents or computer screens which set forth or demonstrate all of the account information that you are currently reporting about the Plaintiff.

RESPONSE TO REQUEST

20. Wells Fargo agrees to produce all responsive documents to this request.

REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

Despite promising to do so, Wells Fargo has failed to produce such documents. It had previously produced documents pursuant to its initial disclosure, but such are not sorted nor identified as required. Defendant did not assert it would or had produced documents as kept in the ordinary course of its business.

REQUEST FOR DOCUMENTS

21. Any archived records of actions taken by you in relation to the plaintiff or any of the plaintiff's personal identifiers.

RESPONSE TO REQUEST

21. Wells Fargo agrees to produce all responsive documents to this request.

REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

Despite promising to do so, Wells Fargo has failed to produce such documents. It had previously produced documents pursuant to its initial disclosure, but such are not sorted nor identified as required. Defendant did not assert it would or had produced documents as kept in the ordinary course of its business.

REQUEST FOR DOCUMENTS

26. Any budgets or projections prepared within the preceding five years, allocating resources or

1 expenditures to the conducting of reinvestigation under 15 U.S.C. § 1681-s2.

2 RESPONSE TO REQUEST

3 26. Wells Fargo objects that compliance with this request would be oppressive and burdensome.  
4 Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor  
5 reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects  
6 to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the  
7 documents with “reasonable particularity.” Fed. R. Civ. P. 34(b).

8 REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

9 Defendant has waived objections by making mere boilerplate objections and by not timely  
10 substantiating its objections under *Burlington Northern v. US Dist. Ct.* (9<sup>th</sup> Cir. 2005) 408 F3d  
11 1142. The request is reasonably calculated. There is nothing oppressive and burdensome about  
12 this request. The request is not overbroad, vague nor ambiguous and is reasonably particularized:  
13 it seeks to documents showing how much time and attention, i.e., money, was spent on the  
14 reinvestigation goes to the issue of whether defendant’s acts were willful.

15 REQUEST FOR DOCUMENTS

16 28. Any manuals, bulletins or notices provided to YOU describing YOUR contractual or statutory  
17 duties relating to the reinvestigation of inaccurate or incomplete credit information.

18 RESPONSE TO REQUEST

19 28. Wells Fargo objects that compliance with this request would be oppressive and burdensome.  
20 Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor  
21 reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects  
22 to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the  
23 documents with “reasonable particularity.” Fed. R. Civ. P. 34(b).

24 REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

25 Defendant has waived objections by making mere boilerplate objections and by not timely  
26 substantiating its objections under *Burlington Northern v. US Dist. Ct.* (9<sup>th</sup> Cir. 2005) 408 F3d  
1142. The request is reasonably calculated. There is nothing oppressive and burdensome about



1 this request. The request is not overbroad, vague nor ambiguous and is reasonably particularized:  
 2 it seeks documents establishing what defendant knew its duties to be.

### 3 REQUEST FOR DOCUMENTS

4 29. Transcripts of any deposition given by any individual identified by you in your disclosures  
 5 given pursuant to rule 26(a) regarding reinvestigation of consumer disputes.

### 6 RESPONSE TO REQUEST

7 29. Wells Fargo objects that compliance with this request would be oppressive and burdensome.  
 8 Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor  
 9 reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects  
 10 to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the  
 11 documents with "reasonable particularity." Fed. R. Civ. P. 34(b).

### 12 REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

13 Defendant has waived objections by making mere boilerplate objections and by not timely  
 14 substantiating its objections under *Burlington Northern v. US Dist. Ct.* (9<sup>th</sup> Cir. 2005) 408 F3d  
 15 1142. The request is reasonably calculated. There is nothing oppressive and burdensome about  
 16 this request. The request is not overbroad, vague nor ambiguous and is reasonably particularized:  
 17 it seeks to documents showing prior testimony about issues pertinent to this case: defendant's  
 18 reinvestigations of consumer disputes.

### 19 REQUEST FOR DOCUMENTS

20 30. Transcripts of any deposition given by any individual identified by you in your disclosures  
 21 given pursuant to rule 26(a) regarding maintaining consumer reporting databases free from error.

### 22 RESPONSE TO REQUEST

23 30. Wells Fargo objects that compliance with this request would be oppressive and burdensome.  
 24 Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor  
 25 reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects  
 26 to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the  
 documents with "reasonable particularity." Fed. R. Civ. P. 34(b).

REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

Defendant has waived objections by making mere boilerplate objections and by not timely substantiating its objections under *Burlington Northern v. US Dist. Ct.* (9<sup>th</sup> Cir. 2005) 408 F3d 1142. The request is reasonably calculated. There is nothing oppressive and burdensome about this request. The request is not overbroad, vague nor ambiguous and is reasonably particularized: it seeks to documents showing prior testimony about issues pertinent to this case: defendant's maintaining of consumer reporting databases free from error.

REQUEST FOR DOCUMENTS

31. Please produce any and all policy manuals, procedure manuals, or other recordings or documents of any kind, which address any or all of your policies, practices or procedures in insuring the maximum possible accuracy of data posted, maintained or disseminated by you.

RESPONSE TO REQUEST

31. Wells Fargo objects that compliance with this request would be oppressive and burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the documents with "reasonable particularity." Fed. R. Civ. P. 34(b).

REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

Defendant has waived objections by making mere boilerplate objections and by not timely substantiating its objections under *Burlington Northern v. US Dist. Ct.* (9<sup>th</sup> Cir. 2005) 408 F3d 1142. The request is reasonably calculated. There is nothing oppressive and burdensome about this request. The request is not overbroad, vague nor ambiguous and is reasonably particularized: it seeks to documents showing policies, practices or procedures used to insure compliance with one of the standards applicable here: the maximum possible accuracy of data posted, maintained and disseminated by furnishers of information.

REQUEST FOR DOCUMENTS

32. Please produce any and all policy manuals, procedure manuals, or other documents, which

1 address your policies, practices or procedures in insuring the pre-reinvestigation accuracy of data  
2 maintained or disseminated by you.

3 RESPONSE TO REQUEST

4 32. Wells Fargo objects that compliance with this request would be oppressive and burdensome.  
5 Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor  
6 reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects  
7 to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the  
8 documents with "reasonable particularity." Fed. R. Civ. P. 34(b).

9 REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

10 Defendant has waived objections by making mere boilerplate objections and by not timely  
11 substantiating its objections under *Burlington Northern v. US Dist. Ct.* (9<sup>th</sup> Cir. 2005) 408 F3d  
12 1142. The request is reasonably calculated. There is nothing oppressive and burdensome about  
13 this request. The request is not overbroad, vague nor ambiguous and is reasonably particularized:  
14 it seeks to documents showing policies, practices or procedures used to insure compliance with  
15 one of the standards applicable here: the maximum possible accuracy of data posted, maintained  
16 and disseminated by furnishers of information.

17 REQUEST FOR DOCUMENTS

18 33. Please produce any and all policy manuals, procedure manuals, or other documents, which  
19 address your policies, practices or procedures in insuring the post-reinvestigation accuracy of data  
20 maintained or disseminated by you.

21 RESPONSE TO REQUEST

22 33. Wells Fargo objects that compliance with this request would be oppressive and burdensome.  
23 Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor  
24 reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects  
25 to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the  
26 documents with "reasonable particularity." Fed. R. Civ. P. 34(b).

REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

Defendant has waived objections by making mere boilerplate objections and by not timely substantiating its objections under *Burlington Northern v. US Dist. Ct.* (9<sup>th</sup> Cir. 2005) 408 F3d 1142. The request is reasonably calculated. There is nothing oppressive and burdensome about this request. The request is not overbroad, vague nor ambiguous and is reasonably particularized: it seeks to documents showing policies, practices or procedures used to insure compliance with one of the standards applicable here: the maximum possible accuracy of data posted, maintained and disseminated by furnishers of information.

#### REQUEST FOR DOCUMENTS

35. Please produce any and all policy manuals, procedure manuals, or other documents, which are training manuals for your employees, in the following areas: consumer credit disputes, reinvestigation, delete mechanisms, suppression functions and deletion functions.

#### RESPONSE TO REQUEST

35. Wells Fargo objects to this request to the extent it expressly or impliedly seeks information which is confidential or proprietary in nature or which constitutes protected commercial, trade secret information of Wells Fargo. Subject to and without waiving these objections, Wells Fargo will produce documents in its possession, custody and control that are not objectionable.

#### REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

Despite promising to do so, Wells Fargo has failed to produce such documents. A protective order is in place. It had previously produced documents pursuant to its initial disclosure, but such are not sorted nor identified as required and do not appear to be fully responsive to this request. Defendant did not assert it would or had produced documents as kept in the ordinary course of its business.

#### REQUEST FOR DOCUMENTS

39. Please produce your policy manuals, procedure manuals, or other documents, which address instructions or directions, provided by any nationwide credit reporting agency to YOU, with regard to the means, methods and guidelines for communicating corrections of credit data by you.

#### RESPONSE TO REQUEST

39. Wells Fargo objects to this request on the grounds it seeks documents protected by third parties' right to confidentiality. Wells Fargo objects that compliance with this request would be oppressive and burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the documents with "reasonable particularity." Fed. R. Civ. P. 34(b).

REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

Defendant has waived objections by making mere boilerplate objections and by not timely substantiating its objections under *Burlington Northern v. US Dist. Ct.* (9<sup>th</sup> Cir. 2005) 408 F3d 1142. The request is reasonably calculated. There is nothing oppressive and burdensome about this request. The request is not overbroad, vague nor ambiguous and is reasonably particularized: it seeks to documents explaining why the inaccurate account was allowed back on Mr. Howard's credit report.

REQUEST FOR DOCUMENTS

51. Please produce any and all documents which contain data listing or otherwise identifying each of your operators or other employees, their corresponding office descriptions and numbers, and their corresponding badge and identification numbers, who has knowledge about the matters in dispute in this case.

RESPONSE TO REQUEST

51. Wells Fargo objects that compliance with this request would be oppressive and burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the documents with "reasonable particularity." Fed. R. Civ. P. 34(b).

REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

Defendant has waived objections by making mere boilerplate objections and by not timely substantiating its objections under *Burlington Northern v. US Dist. Ct.* (9<sup>th</sup> Cir. 2005) 408 F3d

1 1142. There is nothing oppressive and burdensome about this request, it is relevant and is stated  
2 with reasonable particularity. It seeks documents directly relating to matters relevant in this case:  
3 identifying information about witnesses. It is not vague and ambiguous and defendant has not  
4 explained why it thinks it is. A protective order is in place and this case and privacy rights can be  
5 protected while allowing plaintiff to investigate his case.

6 REQUEST FOR DOCUMENTS

7 52. Produce any documents bearing plaintiff's name or social security number relating to the debt  
8 in question in this case, the account relating to that debt, any account reviews, any credit  
9 applications, and the reporting of that debt to any credit reporting agency.

10 RESPONSE TO REQUEST

11 52. Wells Fargo agrees to produce all responsive documents to this request.

12 REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

13 Despite promising to do so, Wells Fargo has failed to produce such documents. It had previously  
14 produced documents pursuant to its initial disclosure, but such are not sorted nor identified as  
15 required. Defendant did not assert it would or had produced documents as kept in the ordinary  
16 course of its business.

17 REQUEST FOR DOCUMENTS

18 53. Produce any contract or obligation which relate to any contract or obligation attributed to  
19 plaintiff's name or social security number.

20 RESPONSE TO REQUEST

21 53. Wells Fargo agrees to produce all responsive documents to this request.

22 REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

23 Despite promising to do so, Wells Fargo has failed to produce such documents. It had previously  
24 produced documents pursuant to its initial disclosure, but such are not sorted nor identified as  
25 required. Defendant did not assert it would or had produced documents as kept in the ordinary  
26 course of its business.

REQUEST FOR DOCUMENTS

54. Produce any contract, obligation, application, approvals, denials, credit evaluations, credit reports, reinvestigation notes, correspondence, notices, credit scores, account history, billing statements, collection notes, dispute logs, memoranda, data, credit reportings, CDV's, ACDV's, responses to CDV's, requests for reinvestigation of credit data (including any documents provided along with the request), responses to ACDV's, UDF's, consumer disputes, responses to requests for reinvestigation, Metro data, Metro II data, or other documents which relate to any account attributed to plaintiff's name or social security number in the period before four years before this complaint was filed and the present.

RESPONSE TO REQUEST

54. Wells Fargo agrees to produce all responsive documents to this request.

REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

Despite promising to do so, Wells Fargo has failed to produce such documents. It had previously produced documents pursuant to its initial disclosure, but such are not sorted nor identified as required. Defendant did not assert it would or had produced documents as kept in the ordinary course of its business.

REQUEST FOR DOCUMENTS

55. Produce any credit information supplied to any credit reporting agency relating to plaintiff's credit report, plaintiff's social security number, or any account attributable to plaintiff or plaintiff's social security number.

RESPONSE TO REQUEST

55. Wells Fargo agrees to produce all responsive documents to this request.

REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

Despite promising to do so, Wells Fargo has failed to produce such documents. It had previously produced documents pursuant to its initial disclosure, but such are not sorted nor identified as required. Defendant did not assert it would or had produced documents as kept in the ordinary course of its business.

REQUEST FOR DOCUMENTS

1 56. Produce all manuals, guides, bulletins, memoranda, or other documents, which address your  
2 policies, practices or procedures in training or instructing employees in the handling disputes,  
3 investigations, or reinvestigations of credit data furnished to credit reporting agencies.

4 RESPONSE TO REQUEST

5 56. Wells Fargo objects to this request to the extent it expressly or impliedly seeks information  
6 which is confidential or proprietary in nature or which constitutes protected commercial, trade  
7 secret information of Wells Fargo. Subject to and without waiving these objections, Wells Fargo  
8 will produce documents in its possession, custody and control that are not objectionable.

9 REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

10 A protective order covering confidential and propriety information exists in this matter, but it does  
11 not appear Wells Fargo has produced such documents. It had previously produced documents  
12 pursuant to its initial disclosure, but such are not sorted nor identified as required. Defendant did  
13 not assert it would or had produced documents as kept in the ordinary course of its business.

14 REQUEST FOR DOCUMENTS

15 57. Produce all manuals, guides, bulletins, memoranda, or other documents, which address your  
16 policies, practices or procedures in training or instructing employees in verification of credit data  
17 in response to any credit dispute initiated through directly dispute with you.

18 RESPONSE TO REQUEST

19 57. Wells Fargo objects to this request to the extent it expressly or impliedly seeks information  
20 which is confidential or proprietary in nature or which constitutes protected commercial, trade  
21 secret information of Wells Fargo. Subject to and without waiving these objections, Wells Fargo  
22 will produce documents in its possession, custody and control that are not objectionable.

23 REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

24 A protective order covering confidential and propriety information exists in this matter, but it does  
25 not appear Wells Fargo has produced such documents. It had previously produced documents  
26 pursuant to its initial disclosure, but such are not sorted nor identified as required. Defendant did  
not assert it would or had produced documents as kept in the ordinary course of its business.



REQUEST FOR DOCUMENTS

58. Produce any other documents prepared, sent, or received by YOU in the course of conducting any reinvestigation regarding plaintiff's consumer report in period between four years before the complaint was filed and the present.

RESPONSE TO REQUEST

58. Wells Fargo agrees to produce all responsive documents to this request.

REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

Despite promising to do so, Wells Fargo has failed to produce such documents. It had previously produced documents pursuant to its initial disclosure, but such are not sorted nor identified as required. Defendant did not assert it would or had produced documents as kept in the ordinary course of its business.

REQUEST FOR DOCUMENTS

59. Produce any agreement and amendments under which YOU use, report or furnish credit information to any credit reporting agency to which you provided credit data or account information relating to plaintiff operative in the period between four years before the complaint was filed and the present.

RESPONSE TO REQUEST

59. Wells Fargo objects that compliance with this request would be oppressive and burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the documents with "reasonable particularity." Fed. R. Civ. P. 34(b).

REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

Defendant has waived objections by making mere boilerplate objections and by not timely substantiating its objections under *Burlington Northern v. US Dist. Ct.* (9<sup>th</sup> Cir. 2005) 408 F3d 1142. There is nothing oppressive and burdensome about this request, it is relevant and is stated with reasonable particularity. It seeks documents directly relating to matters relevant in this case:

1 what its contractual obligations are under its various agreements, for example. It is not vague and  
2 ambiguous and defendant has not explained why it thinks it is.

### 3 4 REQUEST FOR DOCUMENTS

5 60. Produce any training materials including manuals, memos, videos, instructions, agreements,  
6 or any other document provided to you by any credit reporting agency relating to reinvestigations  
7 of credit data.

### 8 RESPONSE TO REQUEST

9 60. Wells Fargo objects that compliance with this request would be oppressive and burdensome.  
10 Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor  
11 reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects  
12 to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the  
13 documents with "reasonable particularity." Fed. R. Civ. P. 34(b).

### 14 REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

15 Defendant has waived objections by making mere boilerplate objections and by not timely  
16 substantiating its objections under *Burlington Northern v. US Dist. Ct.* (9<sup>th</sup> Cir. 2005) 408 F3d  
17 1142. There is nothing oppressive and burdensome about this request, it is relevant and is stated  
18 with reasonable particularity. It seeks documents directly relating to matters relevant in this case:  
19 how its employees are trained in regard to reinvestigations and what it knows about such  
20 processes, for example. It is not vague and ambiguous and defendant has not explained why it  
21 thinks it is.

### 22 REQUEST FOR DOCUMENTS

23 61. Produce all documents which address the accuracy, truthfulness, or reliability of your  
24 reportings to the credit reporting agencies.

### 25 RESPONSE TO REQUEST

26 61. Wells Fargo objects that compliance with this request would be oppressive and burdensome.  
Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor

1 reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects  
 2 to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the  
 3 documents with "reasonable particularity." Fed. R. Civ. P. 34(b).

4 REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

5 Defendant has waived objections by making mere boilerplate objections and by not timely  
 6 substantiating its objections under ***Burlington Northern v. US Dist. Ct.*** (9<sup>th</sup> Cir. 2005) 408 F3d  
 7 1142. There is nothing oppressive and burdensome about this request, it is relevant and is stated  
 8 with reasonable particularity. It seeks documents directly relating to matters relevant in this case:  
 9 whether and what, if anything, respondent knows its duties under the ACT. It is not vague and  
 10 ambiguous and defendant has not explained why it thinks it is.

11 REQUEST FOR DOCUMENTS

12 62. Produce any report, memoranda, bulletin or other document which describes the potential  
 13 adverse effects or consequences on consumers of inaccurate, untruthful, or unreliable credit  
 14 reporting by YOU.

15 RESPONSE TO REQUEST

16 62. Wells Fargo objects that compliance with this request would be oppressive and burdensome.  
 17 Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor  
 18 reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects  
 19 to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the  
 20 documents with "reasonable particularity." Fed. R. Civ. P. 34(b).

21 REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

22 Defendant has waived objections by making mere boilerplate objections and by not timely  
 23 substantiating its objections under ***Burlington Northern v. US Dist. Ct.*** (9<sup>th</sup> Cir. 2005) 408 F3d  
 24 1142. There is nothing oppressive and burdensome about this request, it is relevant and is stated  
 25 with reasonable particularity. It seeks documents directly relating to matters relevant in this case:  
 26 whether and what, if anything, respondent knows will be the effect of reporting inaccurate,  
 untruthful, or unreliable information to credit reporting agencies and thus to the damages that may

1 be imposed against it. It is not vague and ambiguous and defendant has not explained why it  
2 thinks it is.

3  
4 REQUEST FOR DOCUMENTS

5 65. Produce all policy manuals, procedure manuals, or documents, which address your policies,  
6 practices or procedures regarding correcting, updating, modifying, deleting credit data which is  
7 disputed as inaccurate and/or preventing reinsertion of previously corrected, updated, modified,  
8 and/or deleted credit data.

9 RESPONSE TO REQUEST

10 65. Wells Fargo objects to this request to the extent it expressly or impliedly seeks information  
11 which is confidential or proprietary in nature or which constitutes protected commercial, trade  
12 secret information of Wells Fargo. Subject to and without waiving these objections, Wells Fargo  
13 will produce documents in its possession, custody and control that are not objectionable.

14 REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

15 A protective order is in place. Defendant has waived objections by making mere boilerplate  
16 objections and by not timely substantiating its objections under *Burlington Northern v. US Dist.*  
17 *Ct.* (9<sup>th</sup> Cir. 2005) 408 F3d 1142. There is nothing oppressive and burdensome about this request,  
18 it is relevant and is stated with reasonable particularity. It seeks documents directly relating to  
19 matters relevant in this case: how it assures accurate reporting when it alters data. It is not vague  
20 and ambiguous and defendant has not explained why it thinks it is.

21 REQUEST FOR DOCUMENTS

22 66. Produce all policy manuals, procedure manuals, or other documents, which address your  
23 policies, practices or procedures for collection, maintenance, retention, dissemination or disposal  
24 of account data, during each of the preceding five years.

25 RESPONSE TO REQUEST

26 66. Wells Fargo objects to this request to the extent it expressly or impliedly seeks information  
which is confidential or proprietary in nature or which constitutes protected commercial, trade

1 secret information of Wells Fargo. Subject to and without waiving these objections, Wells Fargo  
2 will produce documents in its possession, custody and control that are not objectionable.

3  
4 REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

5 A protective order is in place in this case, the terms of which protect confidential and proprietary  
6 information. Despite promising to do so, Wells Fargo has failed to produce such documents. It  
7 had previously produced documents pursuant to its initial disclosure, but such are not sorted nor  
8 identified as required. Defendant did not assert it would or had produced documents as kept in the  
9 ordinary course of its business.

10 REQUEST FOR DOCUMENTS

11 67. Produce all documents concerning the names, addresses, telephone numbers, current  
12 employers and current whereabouts of each and every one of your employees who were involved  
13 in placing, maintaining and/or reinserting the account in dispute on plaintiff's credit file or report.

14 RESPONSE TO REQUEST

15 67. Wells Fargo objects to this request on the grounds that it seeks documents protected by Wells  
16 Fargo's employees' rights to privacy under the California and United States Constitutions. Wells  
17 Fargo objects that compliance with this request would be oppressive and burdensome. Wells  
18 Fargo objects to this request to the extent it seeks information that is neither relevant nor  
19 reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects  
20 to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the  
21 documents with "reasonable particularity." Fed. R. Civ. P. 34(b).

22 REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

23 Defendant has waived objections by making mere boilerplate objections and by not timely  
24 substantiating its objections under *Burlington Northern v. US Dist. Ct.* (9<sup>th</sup> Cir. 2005) 408 F3d  
25 1142. There is nothing oppressive and burdensome about this request, it is relevant and is stated  
26 with reasonable particularity. It seeks documents directly relating to matters relevant in this case:  
location of witnesses who were involved in this matter. It is not vague and ambiguous and

defendant has not explained why it thinks it is. A protective order is in place and this case and privacy rights can be protected while allowing plaintiff to investigate his case.

#### REQUEST FOR DOCUMENTS

68. Produce all performance evaluations for each and every one of your employees who took any action with regard to the resolution of any of plaintiff's credit dispute.

#### RESPONSE TO REQUEST

68. Wells Fargo objects to this request on the grounds that it seeks documents protected by Wells Fargo's employees' rights to privacy under the California and United States Constitutions. Wells Fargo objects that compliance with this request would be oppressive and burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the documents with "reasonable particularity." Fed. R. Civ. P. 34(b).

#### REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

Defendant has waived objections by making mere boilerplate objections and by not timely substantiating its objections under *Burlington Northern v. US Dist. Ct.* (9<sup>th</sup> Cir. 2005) 408 F3d 1142. There is nothing oppressive and burdensome about this request, it is relevant and is stated with reasonable particularity. It seeks documents directly relating to matters relevant in this case: whether it knew its employees were performing adequately. It is not vague and ambiguous and defendant has not explained why it thinks it is. A protective order is in place and this case and privacy rights can be protected while allowing plaintiff to investigate his case.

#### REQUEST FOR DOCUMENTS

69. Produce all policies, procedures, and practices regarding the renumbering of your accounts and/or notification to the credit bureaus of such renumbering.

#### RESPONSE TO REQUEST

69. Wells Fargo objects that compliance with this request would be oppressive and burdensome.

Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the documents with "reasonable particularity." Fed. R. Civ. P. 34(b).

#### REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

Defendant has waived objections by making mere boilerplate objections and by not timely substantiating its objections under *Burlington Northern v. US Dist. Ct.* (9<sup>th</sup> Cir. 2005) 408 F3d 1142. There is nothing oppressive and burdensome about this request, it is relevant and is stated with reasonable particularity. It seeks documents directly relating to matters relevant in this case: the renumbering of the account lies at the heart of this matter. It is not vague and ambiguous and defendant has not explained why it thinks it is.

#### REQUEST FOR DOCUMENTS

70. Produce all policy manuals, procedure manuals, or documents, which address your policies, practices or procedures regarding your considerations and safeguards employed when a consumer report on a credit applicant to your company contains a statement alerting you of possible fraud or misuse of the consumer's personal identifiers.

#### RESPONSE TO REQUEST

70. Wells Fargo objects that compliance with this request would be oppressive and burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the documents with "reasonable particularity." Fed. R. Civ. P. 34(b).

#### REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

Defendant has waived objections by making mere boilerplate objections and by not timely substantiating its objections under *Burlington Northern v. US Dist. Ct.* (9<sup>th</sup> Cir. 2005) 408 F3d 1142. There is nothing oppressive and burdensome about this request, it is relevant and is stated with reasonable particularity. It seeks documents directly relating to matters relevant in this case:

1 what special policies and practices are invoked when, as here, a fraud alert is on a consumer's  
2 report. It is not vague and ambiguous and defendant has not explained why it thinks it is. A  
3 protective order is in place and this case and privacy rights can be protected while allowing  
4 plaintiff to investigate his case.

5 REQUEST FOR DOCUMENTS

6 71. Produce all policy manuals, procedure manuals, or other documents, which address your  
7 policies, practices or procedures in the investigation or reinvestigation of credit data which is  
8 disputed as inaccurate.

9 RESPONSE TO REQUEST

10 71. Wells Fargo objects to this request to the extent it expressly or impliedly seeks information  
11 which is confidential or proprietary in nature or which constitutes protected commercial, trade  
12 secret information of Wells Fargo. Subject to and without waiving these objections, Wells Fargo  
13 will produce documents in its possession, custody and control that are not objectionable.

14 REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

15 A protective order is in place in this case, the terms of which protect confidential and proprietary  
16 information. Despite promising to do so, Wells Fargo has failed to produce such documents. It  
17 had previously produced documents pursuant to its initial disclosure, but such are not sorted nor  
18 identified as required. Defendant did not assert it would or had produced documents as kept in the  
19 ordinary course of its business.

20 REQUEST FOR DOCUMENTS

21 72. Produce all documents evidencing, constituting or including data concerning your first  
22 notification of any allegation that any account bearing either or both Plaintiffs' personal identifiers  
23 and/or any of the account numbers had been created by application fraud or been used by a person  
24 not authorized to use or possess such account.

25 RESPONSE TO REQUEST

26 72. Wells Fargo agrees to produce all responsive documents sought in this request.

REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED



1 Despite promising to do so, Wells Fargo has failed to produce such documents. It had previously  
2 produced documents pursuant to its initial disclosure, but such are not sorted nor identified as  
3 required. Defendant did not assert it would or had produced documents as kept in the ordinary  
4 course of its business.

5 REQUEST FOR DOCUMENTS

6 75. Produce all documents or correspondence in your, or your attorney's, possession that refers to  
7 or relates to any fact(s) which may be relevant in this lawsuit excluding letters between you and  
8 your attorney.

9 RESPONSE TO REQUEST

10 75. Wells Fargo objects that compliance with this request would be oppressive and burdensome.  
11 Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor  
12 reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo objects to this  
13 request to the extent it expressly or impliedly seeks information protected from discovery by the  
14 attorney-client privilege, the attorney work product doctrine, the self-critical analysis privilege,  
15 and the bank examination privilege. Wells Fargo further objects to this request as overbroad,  
16 vague and ambiguous. As drafted this request fails to describe the documents with "reasonable  
17 particularity." Fed. R. Civ. P. 34(b).

18 REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

19 Defendant has waived objections by making mere boilerplate objections and by not timely  
20 substantiating its objections under *Burlington Northern v. US Dist. Ct.* (9<sup>th</sup> Cir. 2005) 408 F3d  
21 1142. There is nothing oppressive and burdensome about this request, it is relevant and is stated  
22 with reasonable particularity. It seeks documents directly relating to matters relevant in this case:  
23 documents relevant to the complaint. It is not vague and ambiguous and defendant has not  
24 explained why it thinks it is. The request is expressly delimited to non-attorney client privileged  
25 documents. If respondent thinks it has some basis for claiming privilege or work product  
26 protection, it must so express in a privilege log, said having not been provided.

REQUEST FOR DOCUMENTS

77. Produce any document containing any description, definition, concordance, or index of any shorthand, abbreviations, codes, shorthand, or notations contained in any documents which would be responsive to any of the prior requests.

#### RESPONSE TO REQUEST

77. Wells Fargo objects that compliance with this request would be oppressive and burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo objects to this request to the extent it expressly or impliedly seeks information protected from discovery by the attorney-client privilege, the attorney work product doctrine, the self-critical analysis privilege, and the bank examination privilege. Wells Fargo further objects to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the documents with “reasonable particularity.” Fed. R. Civ. P. 34(b).

#### REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

Defendant has waived objections by making mere boilerplate objections and by not timely substantiating its objections under *Burlington Northern v. US Dist. Ct.* (9<sup>th</sup> Cir. 2005) 408 F3d 1142. There is nothing oppressive and burdensome about this request, it is relevant and is stated with reasonable particularity. It seeks documents directly relating to matters relevant in this case: explanation of codes used in documents, without which the documents are somewhat inexplicable. It is not vague and ambiguous and defendant has not explained why it thinks it is. If respondent thinks it has some basis for claiming privilege or work product protection, it must so express in a privilege log, said having not been provided.

#### REQUEST FOR DOCUMENTS

78. Produce any deposition transcripts in which YOU or any of YOUR agents offered testimony regarding YOUR policies, procedures or practices relating to credit reporting or reinvestigation.

#### RESPONSE TO REQUEST

78. Wells Fargo objects that compliance with this request would be oppressive and burdensome. Wells Fargo objects to this request to the extent it seeks information that is neither relevant nor

1 reasonably calculated to lead to the discovery of admissible evidence. Wells Fargo further objects  
2 to this request as overbroad, vague and ambiguous. As drafted this request fails to describe the  
3 documents with "reasonable particularity." Fed. R. Civ. P. 34(b).

4 REASON TO COMPEL FURTHER RESPONSE/FIND OBJECTIONS WAIVED

5 Defendant has waived objections by making mere boilerplate objections and by not timely  
6 substantiating its objections under *Burlington Northern v. US Dist. Ct.* (9<sup>th</sup> Cir. 2005) 408 F3d  
7 1142. There is nothing oppressive and burdensome about this request, it is relevant and is stated  
8 with reasonable particularity. It seeks documents directly relating to matters relevant in this case:  
9 testimony on the same issues as those found in this case. It is not vague and ambiguous and  
10 defendant has not explained why it thinks it is. If respondent thinks it has some basis for claiming  
11 privilege or work product protection, it must so express in a privilege log, said having not been  
12 provided.

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14 June \_\_\_\_, 2008

LAW OFFICES OF RON BOCHNER

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Ron Bochner  
Attorney for Plaintiff  
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